

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Elkhart, Kansas)) MB Docket No. 02-158
) RM-10383
)
(Austin, Nevada)) MB Docket No. 02-159
) RM-10471
)
(Baker, Nevada)) MB Docket No. 02-160
) RM-10472
)
(Battle Mountain, Nevada)) MB Docket No. 02-161
) RM-10473
)
(Eureka, Nevada)) MB Docket No. 02-162
) RM-10474
)
(Fallon, Nevada)) MB Docket No. 02-163
) RM-10475
)
(Cimarron, New Mexico)) MB Docket No. 02-164
) RM-10476
)
(Moab, Utah)) MB Docket No. 02-165
) RM-10477
)
(Salina, Utah)) MB Docket No. 02-166
) RM-10478
)
(Eldorado, Texas)) MB Docket No. 02-167
) RM-10479
)
(Channing, Texas)) MB Docket No. 02-168
) RM-10480
)
(Escobares, Texas)) MB Docket No 02-169
) RM-10481
)
(Ozona, Texas)) MB Docket No. 02-170
) RM-10482

(Gunnison, Colorado)	)	MB Docket No. 02-171
	)	RM-10483
)	
(Rotan, Texas)	)	MB Docket No. 02-172
	)	RM-10484
)	
(Wellington, Texas)	)	MB Docket No. 02-173
	)	RM-10485
)	
(Red Oak, Oklahoma)	)	MB Docket No. 02-174
	)	RM-10486
)	
(Memphis, Texas)	)	MB Docket No. 02-175
	)	RM-10487
)	
(Matador, Texas)	)	MB Docket No. 02-176
	)	RM-10488
)	
(Milano, Texas)	)	MB Docket No. 02-177
	)	RM-10489

NOTICE OF PROPOSED RULE MAKING

Adopted: June 26, 2002;

Released: July 5, 2002

Comment Date: August 26, 2002

Reply Comment Date: September 10, 2002

By the Assistant Chief, Audio Division:

1. Before the Audio Division for consideration is a multiple docket Notice of Proposed Rule Making setting forth separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. Each petitioner has stated that it will apply for its requested channel, if allotted. We believe that each proposal warrants consideration because it complies with our technical requirements and would serve the public interest.

2. This is a multiple docket Notice of Proposed Rule Making issued in response to a Commission Public Notice released October 2, 1998 (DA 98-1987). We are combining separate

FM allotment proposals into a single Notice of Proposed Rule Making. Each proposal has its own docket and rule making number and the Commission's Reference Center will maintain a separate file for each docket. As discussed in the Public Notice, this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative

actions. We request comments and/or counterproposals to the following proposals:

A. MB Docket No. 02-158; RM-10383

Petitioner: Sierra Grande Broadcasting

c/o Mr. Willison H. Gormly
Sierra Grande Broadcasting
P.O. Box 51
Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 263C1 at Elkhart, Kansas, as the community’s first local aural transmission service.¹

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Elkhart, Kansas	---	263C1

Coordinates: 37-00-29 NL and 101-53-23 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

B. MB Docket No. 02-159; RM-10471

Petitioner: Sierra Grande Broadcasting

c/o Mr. Willison H. Gormly
Sierra Grande Broadcasting
P.O. Box 51
Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 227C at Austin, Nevada, as the community’s first local aural transmission service.²

¹ In support of the Elkhart allotment, petitioner states that Elkhart is the county seat of Morton County. It is also headquarters for the Cimarron National Grassland. Elkhart has its own school, district, several churches, water system, airport, minor league baseball team, several gas stations, many restaurants, and other businesses. We note that Elkhart is an incorporated city with a 2000 Census population of 2,233 persons.

² Austin is not incorporated or listed in the U.S. Census. In support of its proposal, petitioner states that Austin has a police department, a fire department, two service stations, several restaurants, a sports complex, a few churches, and a Boy Scout unit. We note that Austin is listed in the 2000 Rand McNally Commercial Atlas with a populations of 350 persons. It has its own post office and a zip code.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Austin, Nevada	---	227C

Coordinates: 39-29-36 NL and 117-04-07 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

C. MB Docket No. 02-160; RM-10472

Petitioner: Sierra Grande Broadcasting

c/o Mr. Willison H. Gormly
Sierra Grande Broadcasting
P.O. Box 51
Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 296C at Baker, Nevada, as the community's first local aural transmission service.³

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Baker, Nevada	---	296C

Coordinates: 38-51-12 NL and 114-18-06 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

³ Baker is not incorporated or listed in the U.S. Census. We note that Baker is listed in the 2000 Rand McNally Commercial Atlas and has a population of 100 persons. It has its own post office and a zip code. However, as petitioner gives limited indicia for Baker (*i.e.*, it has "its own school district, business district and many houses"), proponent must demonstrate Baker's "community" status. This may be proven by the testimony of local residents or by objective or subjective evidence indicating the existence of a "community." See Beacon Broadcasting, 2 FCC Rcd 3469 (1987), *aff'd*, 2 FCC Rcd 7562 (1987). Some examples of objective indications of "community" status include the existence of political, social, economic, commercial, cultural, or religious organizations and service in the community. See Kenanville, Florida, 5 FCC Rcd 2663 (1990), *aff'd*, 10 FCC Rcd 9831 (1995).

D. MB Docket No. 02-161; RM-10473

Petitioner: Sierra Grande Broadcasting

c/o Mr. Willison H. Gormly
 Sierra Grande Broadcasting
 P.O. Box 51
 Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 231C at Battle Mountain, Nevada, as the community’s second local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Battle Mountain, Nevada	253A	231C, 253A

Coordinates: 40-36-39 NL and 117-01-24 WL

Additional Information: This allotment requires a site restriction of 8 kilometers (5 miles) west to avoid a short-spacing to the licensed site of Station KLKO(FM), Channel 229C2 at Elko, Nevada.

FCC Contact: Sharon P. McDonald (202) 418-2180

E. MB Docket No. 02-162; RM-10474

Petitioner: Sierra Grande Broadcasting

c/o Mr. Willison H. Gormly
 Sierra Grande Broadcasting
 P.O. Box 51
 Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 300C at Eureka, Nevada, as the community’s first local aural transmission service.⁴

⁴ Eureka is not incorporated or listed in the U.S. Census. In support of its proposal, petitioner states that Eureka is the county seat for Eureka County. The city has an airport, gas stations, many casinos, restaurants, an auto parts store, a convenience store, a county sheriff’s office and a jail. Eureka has its own school district. The city has playing fields, a rest area and a recreation vehicle park. We note that Eureka is also listed in the 2000 Rand McNally Commercial Atlas and has a population of 600 persons. Eureka has its own post office and a zip code.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Eureka, Nevada	--	300C

Coordinates: 39-30-46 NL and 115-57-35 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

F. MB Docket No. 02-163; RM-10475

Petitioner: Sierra Grande Broadcasting
c/o Mr. Willison H. Gormly
Sierra Grande Broadcasting
P.O. Box 51
Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 297C at Fallon, Nevada, as the community’s fourth local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Fallon, Nevada	257A, 267C2, 281C	257C, 267C2, 281C, 297C

Coordinates: 39-18-54 NL and 118-38-18 WL

Additional Information: This allotment requires a site restriction of 21.25 kilometers (113.2 miles) southeast to avoid a short-spacing to the vacant allotment site for Channel 297C at Alturas, California.

FCC Contact: Sharon P. McDonald (202) 418-2180

G. MB Docket No. 02-164; RM-10476

Petitioner: Sierra Grande Broadcasting

c/o Mr. Willison H. Gormly
Sierra Grande Broadcasting
P.O. Box 51
Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 236C2 at Cimarron, New Mexico, as the community’s first local aural

transmission service.⁵

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Cimarron, New Mexico	----	236C2

Coordinates: 36-30-24 NL and 104-54-51 WL

Additional Information: This allotment requires a site restriction of .5 kilometers (.3 miles) south to avoid a short-spacing to the licensed site of Station KRDO-FM, Channel 236C2, Colorado Springs, Colorado.

FCC Contact: Sharon P. McDonald (202) 418-2180

H. MB Docket No. 02-165; RM-10477

Petitioner: Sierra Grande Broadcasting

c/o Mr. Willison H. Gormly
 Sierra Grande Broadcasting
 P.O. Box 51
 Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 234C at Moab, Utah, as the community’s second local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Moab, Utah	246C1	234C, 246C1

Coordinates: 38-34-24 NL and 109-32-57 WL

Additional Information: This allotment is at city reference coordinates requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

⁵ Cimarron is a community located in Colfax County and is listed in the 2000 U.S. Census. It has a population of 917 persons. It also has its own post office and a zip code.

I. MB Docket No. 02-166 ; RM-10478

Petitioner: Sierra Grande Broadcasting

c/o Mr. Willison H. Gormly
 Sierra Grande Broadcasting
 P.O. Box 51
 Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 276C at Salina, Utah, as the community’s first local aural transmission service.⁶

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Salina, Utah	---	276C

Coordinates: 38-57-28 NL and 111-51-33 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

J. MB Docket No. 02-167; RM-10479

Petitioner: Katherine Pyeatt
 6655 Aintree Circle
 Dallas, Texas 75214

Proposal: Allot Channel 241A at Eldorado, Texas, as potentially the community’s fourth local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Eldorado, Texas	285A	241A, 258C1, ⁷ 293A, ⁸ 285A

⁶ Salina is an incorporated community located in Sevier County and is listed in the 2000 U.S. Census with a population of 2,393 persons. It also has its own post office and a zip code.

⁷ On September 19, 2001, a Notice of Proposed Rule Making, MM Docket No. 01-273, was adopted proposing the allotment of Channel 258C1 at Eldorado, Texas.

⁸ On October 3, 2001, a Notice of Proposed Rule Making, MM Docket No. 01-294, was adopted proposing the allotment of Channel 293A at Eldorado, Texas.

Coordinates: 30-50-56 NL and 100-36-23 WL

Additional Information: This allotment requires a site restriction of 1.4 kilometers (0.9 miles) southwest to avoid a short-spacing to the licensed site of Station KORQ(FM), Channel 241C2, Winters, Texas. Since Eldorado is located within 320 kilometers (199 miles) of the U.S.-Mexican

border, Mexican concurrence has been requested.

FCC Contact: Sharon P. McDonald (202) 418-2180

K. MB Docket No. 02-168; RM-10480

Petitioner: Linda Crawford
3500 Maple Ave., #1320
Dallas, Texas 75219

Proposal: Allot Channel 284C at Channing, Texas, as the community’s first local aural transmission service.⁹

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Channing, Texas	---	284C

Coordinates: 35-58-15 NL and 102-33-43 WL

Additional Information: This allotment requires a site restriction of 38.0 kilometers (23.6 miles) northwest to avoid a short-spacing to the licensed sites of Station KQFX(FM), Channel 282C1, Borger, Texas, and Station KLGD(FM), Channel 285C1, Tulia, Texas.

FCC Contact: Sharon P. McDonald (202) 418-2180

⁹ In support of her proposal, petitioner states that Channing is an incorporated city and the county seat of Hartley County. The 2000 U.S.Census population for Channing is 356 persons. Channing has its own mayor, post office school, system, county courthouse, and a number of local churches.

L. MB Docket No. 02-169; RM-10481

Petitioner: Charles Crawford
 4553 Bordeaux Ave.
 Dallas, Texas 75205

Proposal: Allot Channel 284A at Escobares, Texas, as the community’s first local aural transmission service.¹⁰

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Escobares, Texas	---	284A

Coordinates: 26-26-29 NL and 98-54-14 WL

Additional Information: This allotment requires a site restriction of 6.8 miles (4.2 miles) northeast to avoid a short-spacing to the licensed site of Station XHMF-FM, Channel 283C, Monterrey, Mexico. Since Escobares is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government has been requested.

FCC Contact: Sharon P. McDonald (202) 418-2180

M. MB Docket No. 02-170; RM-10482

Petitioner: Linda Crawford
 3500 Maple Ave., #1320
 Dallas, Texas 75219

Proposal: Allot Channel 275C3 at Ozona, Texas, as potentially the community’s third local FM aural transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Ozona, Texas	232C3	232C3, 275C3, 289C1 ¹¹

¹⁰ In support of his proposal, petitioner states that Escobares is a Census Designated Place with a 2000 U.S. Census population of 1,954 persons. Escobares has its own mayor, school system, volunteer fire department, post office and several churches.

¹¹ On December 28, 2001, a petition for rule making was filed requesting the allotment of Channel 289C1 at Ozona, Texas.

Coordinates: 30-42-30 NL and 101-12-06 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction. Since Ozona is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

FCC Contact: Sharon P. McDonald (202) 418-2180

N. MB Docket No. 02-171; RM-10483

Petitioner: Sierra Grande Broadcasting

c/o Mr. Willison H. Gormly
 Sierra Grande Broadcasting
 P.O. Box 51
 Des Moines, New Mexico 88418-0051

Proposal: Allot Channel 265C2 at Gunnison, Colorado, as the community's third local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Gunnison, Colorado	252C3, 272C3	252C3, 265C2, 272C3

Coordinates: 38-37-00 NL and 107-01-00 WL

Additional Information: This allotment requires a site restriction of 11.2 kilometers (7 miles) northwest to avoid short-spacings to the licensed sites for Station KGFT(FM), Channel 264C, Pueblo, Colorado, and Station KMOZ-FM, Channel 264C1, Grand Junction, Colorado.

FCC Contact: Sharon P. McDonald (202) 418-2180

O. MB Docket No. 02-172; RM-10484

Petitioner: Linda Crawford
 3500 Maple Ave., #1320
 Dallas, Texas 75219

Proposal: Allot Channel 290A at Rotan, Texas, as the community's first local aural transmission service.¹²

¹² In support of her proposal, petitioner states that Rotan is an incorporated community listed in the 2000 U.S. Census with a population of 1,611 persons. Rotan has its own mayor, school system, post office, volunteer fire department, city hall, and a number of local churches.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Rotan, Texas	---	290A

Coordinates: 32-51-07 NL and 100-27-55 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

P. MB Docket No. 02-173; RM-10485

Petitioner: Maurice Salsa
5615 Evergreen Valley Drive
Kingwood, Texas 77345

Proposal: Allot Channel 248A at Wellington, Texas, potentially the community's second local commercial FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Wellington, Texas	298C3	248A, 253C3, ¹³ 296C3 ¹⁴

Coordinates: 34-56-51 NL and 100-19-10 WL

Additional Information: This allotment requires a site restriction of 14.0 kilometers (8.7 miles) northwest to avoid a short-spacing to the allotment site for Channel 248C1, Archer City, Texas.

FCC Contact: Sharon P. McDonald (202) 418-2180

¹³ On December 3, 2001, a petition for rule making was filed requesting the substitution of Channel 253C3 for vacant Channel 298C3 at Wellington, Texas.

¹⁴ On October 10, 2000, a counterproposal was filed requesting the substitution of 296C3 for vacant Channel 298C3 at Wellington, Texas, in MM Docket No. 00-148.

Q. MB Docket No. 02-174; RM-10486

Petitioner: Maurice Salsa
5615 Evergreen Valley Drive
Kingwood, Texas 77345

Proposal: Allot Channel 227A at Red Oak, Oklahoma, as the community’s first local aural transmission service.¹⁵

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Red Oak, Oklahoma	---	227A

Coordinates: 34-50-34 NL and 95-07-42WL

Additional Information: This allotment requires a site restriction of 12.8 kilometers (7.9 miles) south to avoid a short-spacing to the licensed site of Station KKNM-FM, Channel 227C1, New Castle, Oklahoma.

FCC Contact: Sharon P. McDonald (202) 418-2180

R. MB Docket No. 02-175; RM-10487

Petitioner: Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214

Proposal: Allot Channel 292A at Memphis, Texas, as potentially the community’s third local FM transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Memphis, Texas	287C1	283A, ¹⁶ 287C1, 292A

Coordinates: 34-43-29 NL and 100-32-01 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

¹⁵ In support of his proposal, petitioner states that Red Oak is an incorporated community with a U.S. Census population of 581 persons. Red Oak has its own mayor, post office, fire department, school district, city hall, and a number of churches.

¹⁶ On November 13, 2001, a petition for rule making was filed requesting the allotment of Channel 283A at Memphis, Texas.

FCC Contact: Sharon P. McDonald (202) 418-2180

S. MB Docket No. 02-176; RM-10488

Petitioner: Maurice Salsa
5615 Evergreen Valley Drive
Kingwood, Texas 77345

Proposal: Allot Channel 227C3 at Matador, Texas, as the community’s first local aural transmission service.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Matador, Texas	---	227C3

Coordinates: 34-10-06 NL and 100-43-57 WL

Additional Information: This allotment requires a site restriction of 19.2 kilometers (11.9 miles) northeast to avoid a short-spacing to the licensed site of Station KKRZ(FM), Channel 228C2, Matador, Texas.

FCC Contact: Sharon P. McDonald (202) 418-2180

T. MB Docket No. 02-177; RM-10489

Petitioner: David P. Garland
1110 Hackney Street
Houston, Texas 77023

Proposal: Allot Channel 274A at Milano, Texas, as the community’s first local aural transmission service.¹⁷

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Milano, Texas	---	274A

Coordinates: 30-38-10 NL and 96-57-10 WL

Additional Information: This allotment requires a site restriction of 11.9 kilometers (7.4 miles) southwest to avoid short-spacings to the licensed site of Stations KBRQ(FM), Channel 273C1, Hillsboro, Texas, and

Station KTFM(FM), Channel 274C1, San Antonio, Texas.

¹⁷ In support of his proposal, petitioner states that Milano is an incorporated city located in Milam County and has a 2000 U.S. Census population of 400 persons. Milan has a zip code and a post office. It also has an independent school district.

FCC Contact: Sharon P. McDonald (202) 418-2180

3. Comments, reply comments, counterproposals and other pleadings filed in response to this multiple docket Notice of Proposed Rule Making should reference **only** the specific docket to which the filing pertains. The Commission's authority to institute rule making proceedings,

showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required in paragraph 2 of the Appendix before a channel will be allotted.

4. Pursuant to Sections 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before **August 26, 2002**, and reply comments on or before **September 10, 2002**, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, TW-A325, Washington, D.C.20554. Additionally, a copy of any filing should be served on the petitioner listed for the particular docket.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules. 46 FR 11549 (February 9, 1981).

6. Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-

class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal

Communications Commission.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall

be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W.; TW-A325, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Information Center (Room CY-A257) at its headquarters, 445 12th Street, S.W, Washington, D.C.